



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 10, 1998

Ms. Kristi A. Taylor
Assistant City Attorney
Neiman & Barnes
P.O. Box 777
Lewisville, Texas 75067

OR98-1650

Dear Ms. Taylor:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 116521.

The City of Lewisville (the "city") received a request seeking the finding of an animal control investigation concerning a cat bite occurring on April 5, 1998. You claim that the requested information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

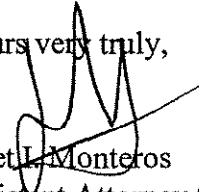
Section 552.101 of the Government Code excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." The Texas courts have recognized the informer's privilege. *See Aguilar v. State*, 444 S.W.2d 935, 937 (Tex. Crim. App. 1969). It protects from disclosure the identities of persons who report activities over which the governmental body has criminal or quasi-criminal law-enforcement authority, provided that the subject of the information does not already know the informer's identity. Open Records Decision Nos. 515 (1988) at 3, 208 (1978) at 1-2. The informer's privilege protects the identities of individuals who report violations of statutes to the police or similar law-enforcement agencies, as well as those who report violations of statutes with civil or criminal penalties to "administrative officials having a duty of inspection or of law enforcement within their particular spheres." Open Records Decision No. 279 (1981) at 2 (citing Wigmore, Evidence, § 2374, at 767 (McNaughton rev. ed. 1961)). The report must be of a violation of a criminal or civil statute. *See* Open Records Decision Nos. 582 (1990) at 2, 515 (1988) at 4-5. The privilege excepts the informer's statement only to the extent necessary to protect that informer's identity. Open Records Decision No. 549 (1990) at 5.

The complainant reported an animal bite which triggers the city's animal quarantine code provisions. The City of Lewisville is responsible for enforcing the Rabies Control Act of 1981, the rules of the Texas Board of Health that comprise the minimum standards of rabies control, the city ordinance which seeks to control rabies, and the rules adopted by the Texas Board of Health under

the quarantine provisions of the Rabies Control Act of 1981.” We conclude that you may withhold information that reveals the complainant’s identity under section 552.101 in conjunction with the informer’s privilege. *See* Open Records Decision No. 156 (1977) (name of person who makes complaint about another individual to city’s animal control division is excepted from disclosure by informer’s privilege so long as information furnished discloses potential violation of state law).¹

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,


Janet L. Monteros
Assistant Attorney General
Open Records Division

JIM/ch

Ref.: ID# 116521

Enclosures: Submitted documents

cc: Ms. Tonia Fox
1607 Appalachian Trail
Lewisville, Texas 75067
(w/o enclosures)

¹As we resolve the information at issue under section 552.101, we need not address section 552.108.